



Order Filed on April 20, 2021
by Clerk
U.S. Bankruptcy Court
District of New Jersey

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004

McMANIMON, SCOTLAND & BAUMANN, LLC

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In re:

CAROLYN E. BROWN,

Debtor.

Case No. 20-20921 (CMG)

Chapter 7

Honorable Christine M. Gravelle, U.S.B.J.

**ORDER AUTHORIZING THE SALE OF REAL PROPERTY LOCATED
AT 11 OAK GLEN LANE, COLTS NECK, NJ, FREE AND CLEAR OF
LIENS, CLAIMS AND ENCUMBRANCES AND GRANTING RELATED RELIEF**

The relief set forth on the following pages numbered two (2) through four (4) is hereby
ORDERED.

DATED: April 20, 2021

A handwritten signature in black ink, reading "Christine M. Gravelle", written over a horizontal line.

Honorable Christine M. Gravelle
United States Bankruptcy Judge

Debtor: Carolyn E. Brown
Case No. 20-20921 (CMG)
Caption of Order: Order Authorizing the Sale of Real Property Located at 11 Oak Glen Lane, Colts Neck, NJ
Free and Clear of Liens, Claims and Encumbrances and Granting Related Relief

THIS MATTER, having been presented to the Court by Thomas J. Orr, the Chapter 7 Trustee (the “**Trustee**”) for Carolyn E. Brown, Chapter 7 debtor (“**Debtor**”), by and through his counsel, McManimon, Scotland & Baumann, LLC, upon the filing of a Motion for an Order Authorizing Sale and Granting Related Relief (the “**Motion**”) relating to the Trustee’s proposed sale of the Estate’s interest in the real property located 11 Oak Glen Lane, Colts Neck, NJ (the “**Property**”); due and proper notice of the Motion and related matters before the Court in this case having been given; and the Court having considered the moving papers and opposition thereto (if any) and having heard and considered oral argument (if any); and finding that good and sufficient cause exist for the granting of the relief as set forth herein,

THE COURT MAKES THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW:

- A. Full and adequate notice of the Motion has been afforded to all interested parties.
- B. The Trustee received an offer from Peter Toscano and Dana Wells (collectively, the “**Buyer**”) in the amount of Nine Hundred Six Thousand Dollars (\$906,000) which offer is the highest and best offer received for the Property, and the sale price for the Property constitutes full and adequate consideration and reasonably equivalent value for the Property.
- C. The transaction being proposed by the Trustee was negotiated at arm’s length and in good faith.
- D. The Buyer is a good faith purchaser for value pursuant to Section 363(m) of the Bankruptcy Code and, as such, the sale of the Property is entitled to all of the protections afforded thereby. The Buyer is acting and will act in good faith within the meaning of Section

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363(m) of the Bankruptcy Code in closing the transaction(s) contemplated by in the Contract for Sale.

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Motion is **GRANTED**.
2. The sale of the Trustee's right, title, and interest in the Property to Buyer pursuant to the terms and conditions set forth in the Contracts for Sale is hereby approved. The Property is being sold free and clear of all liens, claims and encumbrances, with valid liens, claims and encumbrances attached to the proceeds of sale in the hands of the Trustee. The record and transcript of the hearing(s), if any, and all findings and determinations of this Court are hereby incorporated herein.
3. The Trustee is hereby authorized to execute such necessary and appropriate documents in order to effectuate the aforesaid sale.
4. The Trustee is authorized and directed to satisfy the mortgage on the Property *provided that* the payoff statement issued by or on behalf of Quicken Loans, LLC is acceptable to the Trustee, i.e., it does not include objectionable charges.
5. In addition to payment of valid liens and other standard closing costs as disclosed in the Certification of Trustee in support of the Motion, the Trustee is specifically authorized to make payment to the Broker (as defined in the Certification of Trustee submitted herewith) at closing for the real estate commission in the amount of \$45,300, which is a five (5%) percent commission on the sale price of \$906,000.

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6. Any personal property remaining in the Property after the occupant(s) vacate the Property is deemed abandoned and the Trustee is authorized to dispose of or destroy such personal property at the Trustee's discretion to facilitate closing on the sale of the Property.

7. The Court retains jurisdiction over the parties and this matter for, *inter alia*, purposes of enforcing this order and otherwise implementing the sale.